REMARKS

These remarks are responsive to the Office Action dated June 7, 2004. Currently, Claims 1-24 are pending in this application. Claims 1, 14 and 20 are independent. Applicants would like to take this opportunity to thank the Examiner for correcting the numbering of the claims.

Objections to the Claims

In the Office Action, dated June 7, 2004, the Examiner objected to Claims 11, 15-19 and 21-24 because the required renumbering rendered the claims' dependency indefinite. The Office Action specifies that misnumbered Claims 12-26 have been renumbered 10-24 respectively. Applicants have amended those specified claims as such, and dependent Claims 11, 15-19 and 21-24 have further been amended in light of the renumbering of the claims. Accordingly, the Examiner is respectfully requested to withdraw the objection to these claims.

35 U.S.C. §112(2)

The Examiner rejected Claims 12 and 13 under 35 U.S.C. §112(2) as being indefinite. According to the Examiner, Claim 12 recites "the indication" in line 3 of the claim, but there is insufficient antecedent basis for this limitation in the claim. Applicants have amended Claim 12, which depends from Claim 1, to refer to the "adjusting" function recited in Claim 1. Antecedent support is thus present for this amended language.

According to the Examiner, Claim 13 recites "the voice over IP devices" in line 2 of the claim, but there is insufficient antecedent basis for this limitation in the claim. Applicants have amended this language in Claim 13, which depends from Claim 1, to refer to the "end-point" devices as recited in Claim 1. Antecedent support is thus present for this amended language.

Applicants respectfully request the Examiner to reconsider and withdraw the rejections of Claims 12 and 13.

35 U.S.C. §102(e)

In the June 7, 2004 Office Action the Examiner rejected Claims 1-24 under 35 U.S.C.

102(e) as being unpatentable over U.S. Patent Application Publication No. 2002/0075857 to

LeBlanc. ("LeBlanc"). These rejections are respectfully traversed.

Independent Claim 1 recites a method of voice optimization in a packet switched

network. The method includes, *inter alia*, initializing default parameters for . . .preferred

CODEC, number of voice samples per packet, and jitter buffer size. . . and. . . adjusting the

default parameters for the end-point devices based on the evaluating.

LeBlanc, on the other hand, discloses "a method of processing a transmitted digital media

data stream" (Abstract) using a "Jitter Buffer and Lost Frame Recovery Interworking" (Title of

Invention). While the system disclosed in LeBlanc provides for the use of a jitter buffer and

adjustment to a hold time in the jitter buffer, it fails to disclose initializing the jitter buffer or any

of the other parameters (e.g. CODEC or number of voice samples per packet) and it fails to

disclose adjusting the parameters of the CODEC or the number of voice samples per packet.

According to the Examiner, LeBlanc teaches "initializing default parameters for end-

point devices on a network with respect to choice of preferred CODEC, number of voice samples

per packet and jitter buffer size." To support this assertion, the Examiner cites paragraph [0126]

of LeBlanc. Paragraph [0126] of LeBlanc provides as follows:

> [0126] In summary, an illustrative embodiment of the present invention is
> directed to a system for estimating an unreceived data element of a
> transmitted digital media data stream made up of a stream of data
> elements. The system includes a jitter buffer 86, 90 and a lost data element
> recovery mechanism 94. The jitter buffer 86, 90 receives a transmitted
> digital media data stream and holds each received data element until a
> prescribed playout deadline, at which time the data element is released for
> playout. The lost data element recovery mechanism 94 estimates a
> parameter of an unreceived data element based on a received subsequent

data element that follows the unreceived data element in the data stream. In one embodiment, the system also includes a controller that monitors a loss rate at which data elements in the data stream are not received at the jitter buffer by their respective playout deadlines. The controller adjusts a time interval extending from the time a data element is sent by a transmitting end to the playout deadline based.

Review of the cited portion of LeBlanc reveals that while the system on LeBlanc employs a jitter buffer, there is no teaching or suggestion of initializing the jitter buffer. Even more apparent is the lack of any reference to a CODEC or the number of voice samples per packet. Accordingly, since LeBlanc fails to disclose every element of Claim 1 of the present application, Claim 1 is not anticipated by LeBlanc. This rejection is respectfully traversed. Thus the Examiner is requested to reconsider and withdraw the rejection of Claim 1.

Claims 14 and 20 also include similar recitations regarding initializing a jitter buffer, CODEC ond the number of voice samples per packet. Thus, Claims 14 and 20 are novel over LeBlanc for at least the reasons discussed. As such, these rejections are also traversed. The Examiner is respectfully requested to reconsider and withdraw the rejections of Claims 14 and 20.

Claims 2-13, 15-19 and 21-24 depends from Claims 1, 14 and 20 respectively. As such, Claims 2-13, 15-19 and 21-24 are not anticipated by LeBlanc for at least the same reasons stated above with respect to Claims 1, 14 and 20. Therefore, the rejections of Claims 2-13, 15-19 and 21-24 are traversed. The Examiner is respectfully requested to reconsider and withdraw the rejections of Claims 2-13, 15-19 and 21-24.

No new matter has been added.

Applicants have reviewed U.S. Patent Nos. 6,421,720 to Fitzgerald, 6,434,606 to Borella et al., 6,542,499 to Murphy et al, 6,683,889 to Shaffer et al, and 6,445,697 to Fenton, and U.S.

Publication Nos. 2002/0016937 to Houh, 2002/0114285 to LeBlanc, 2003/0227908 to Scoggins et al. and 2002/0101886 to Jagadeesan which were made of record but not relied upon. However, these references are not deemed to detract from the patentability of the present claims.

The claims currently presented are proper and definite. Allowance is accordingly in order and respectfully requested. However, should the Examiner deem that further clarification of the record is in order, we invite a telephone call to the Applicants' undersigned attorney to expedite further processing of the application to allowance.

The Director is authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. **50-0311**, Ref. No. 27996-097, Customer No. **35437**.

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Respectfully submitted,

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